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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

ROBERT GRAY PARTNERS, INC.,)	Case No. 3:06 -CV-1386-KI
)	
Plaintiff,)	DEFENDANT CONTINENTAL
)	WESTERN INSURANCE COMPANY'S
vs.)	APPENDIX OF EXHIBITS IN
)	OPPOSITION TO PLAINTIFF'S
CONTINENTAL WESTERN INSURANCE)	MOTION FOR PARTIAL SUMMARY
COMPANY,)	JUDGMENT
)	
Defendant.)	
)	

Defendant Continental Western Insurance Company ("Continental Western")
submits the following in opposition to Plaintiff's Motion for Partial Summary Judgment.
This Appendix is submitted pursuant to 28 U.S.C. § 2201, Rules 56 and 57 of the Federal
Rules of Civil Procedure, and Rule 7.5 and 56.1(b) of the Local Rules of Civil Practice of
the U.S. District Court of Oregon.

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Exhibit	Document
J	Excerpts of the Deposition of Gregory Stuart Mockford taken on August 21, 2007
K	E-mail from Jack Levy to Jeffrey Frasier and Brian Chenoweth dated May 30, 2006, CWIC 00079

Dated this 10th day of September, 2007.

PARKS, BAUER, SIME, WINKLER & FERNETY LLP

By: /s/
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EXHIBIT J

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBERT GRAY PARTNERS, INC.,

Plaintiff,

v.

No. 3:06-CV-1386-KI

CONTINENTAL WESTERN INSURANCE

COMPANY,

Defendant.

DEPOSITION OF GREGORY STUART MOCKFORD

Taken in behalf of Defendant

August 21, 2007

EXHIBIT J
PAGE 1 OF 4

1 Q. Have you been deposed before?

2 A. Yes.

3 Q. How many times?

4 A. A dozen.

5 Q. Okay. It sounds like you're familiar with the
6 rules. Please try to keep your voice up so she
7 can get everything down.

8 A. I will.

9 Q. Try to let me finish a question before you
10 answer and I will try to do the same.

11 Mr. Mockford, can you tell me who you are
12 currently employed by?

13 A. Pinnell Busch, Incorporated.

14 Q. Can you spell that.

15 A. P I N N E L L, B U S C H.

16 Q. And how long have you been with Pinnell Busch?

17 A. A little over five years.

18 Q. I am not quite sure when you found out there was
19 going to be a deposition today, but I think our
20 plan originally was to have someone else from
21 Pinnell Busch appear today. Is that your
22 understanding as well?

EXHIBIT J

PAGE 2 OF 4

23 A. Yes, it is.

24 Q. Okay. And were you contacted last week to be
25 deposed today?

1 have those records if you need it.

2 Q. Okay. In general, were you contacted by the
3 Chenoweth Law Firm to work on a specific case or
4 claim for Robert Gray?

5 A. Yes, I was.

6 Q. What's your understanding about the nature of
7 that retention?

8 A. We were retained to do a dispute analysis. And
9 this was when Robert Gray was basically served
10 with the lawsuit. Basically they hired us. We
11 are construction consultants. We both work in
12 the defense of and in the prosecution of
13 construction claims, all types of construction
14 litigation. So they called us to say, help us,
15 you know, we're not construction experts. Help
16 us, you know, we're well respected in the
17 industry. So we were hired to figure out what
18 the issues were and advise them.

19 Q. Was that communication initially with you
20 personally?

EXHIBIT J

PAGE 3

OF 4

21 A. Yes.

22 Q. Okay. So were you, is it fair to say you were
23 the contact person at Pinnell Busch for the
24 Robert Gray litigation?

25 A. I would say that I, I'm senior project manager

1 this were under a separate job number, which
2 there's no reason to believe it ever was, then
3 this would be the first invoice.

4 Q. Okay. And the AR transaction record is the
5 first page of document 27; is that right?

6 A. That's correct.

7 Q. So that lists -- Well, let me ask you this:
8 Does that list all the invoices, to your
9 knowledge, for the Chenoweth Law Group relating
10 to the Robert Gray Partners, Inc. --

11 A. Yes, it does.

12 Q. Okay. All right. Let's go to that page 0004
13 again, your first time entry, Greg Mockford,
14 April 6, 2006, do you see that?

15 A. Yes, I do.

16 Q. There's an entry of two hours of time. Do you
17 see that?

18 A. Yes, I do.

19 Q. And then a description reads, attend meeting
20 with Brian Chenoweth for Newberg School.

21 A. Correct.

22 Q. As you sit here today, is that the first time
23 entry that you made for work on the Robert Gray
24 Partners file?

25 A. It should be.

EXHIBIT J
PAGE 4 OF 4

EXHIBIT K

From: Jack Levy [mailto:jlevy@smithfreed.com]
Sent: Tuesday, May 30, 2006 5:25 PM
To: Jeffrey S. Frasier; Brian Chenoweth
Cc: sneeds@cwmins.com; Jack Levy
Subject: Newberg School District

CWG claim 10069113

Jeff and Brian,

This follows up on my conversation with Jeff earlier today. I advised that I was retained by adjuster Steve Needs at the Continental Western Group (CWG) to defend the claims by the Newberg School District against Robert Gray Partners Inc. After I spoke with Jeff, he left me a voicemail asking for the reservation of rights letter. I do not have a reservation of rights letter from CWG, nor do I always get a copy if one gets issued. I am retained to defend the claim and not for coverage issues. By copy of this email to Steve Needs, I am asking him to forward the reservation of rights letter directly to you as counsel for Robert Gray Partners.

In any event, I wanted to get together with you and the client to discuss the claim. Let me know if Friday, 6/2 at 8:00am works for you.

thanks,
Jack

Jack Levy
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EXHIBIT K
PAGE 1 OF 1

CWIC00079

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of September, 2007, I served the foregoing DEFENDANT CONTINENTAL WESTERN INSURANCE COMPANY'S APPENDIX OF EXHIBITS IN OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT on the following parties by electronic means through the Court's Case Management/Electronic Case File system:

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Dated this 10th day of September, 2007.

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